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| 10/665,834 | 09/19/2003 | Bjorn Bjare | P17551-US2 | 6032 |
| 27045 | 7590 | 12/05/2008 | | |
| ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024 | | | EXAMINER VU, TUAN A | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/665,834

Applicant(s)

BJARE ET AL.

Examiner

TUAN A. VU

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-25, 27-33 and 35-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-25, 27-33, 35-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 10/17/08.

As indicated in Applicant's response, claims 23, 27, 32, 35, 37-41, 43-44 have been amended, and claims 26, 34 canceled. Claims 23-25, 27-33, 35-44 are pending in the office action.

Specification

2. The disclosure is objected to because of the following informalities: the *Cross-Reference* Section, pg. 2, is replete with Application Serial and Attorney Docket numbers that are to be updated in terms of USPTO identification that would reflect their respective and latest status.

Appropriate correction is recommended.

Claim Objections

3. Claims 1, 32 are objected to because of the following informalities: the phrase 'complies with a same paradigm as provided services exported by said application programming interface' amounts to a obtuse English construct in the segment recited as 'same paradigm as provided services exported by' and will be interpreted as same paradigm pertinent to services exported by the API. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 23, 25, 27-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 recites the limitation "by said application

programming interface" in the last line. There is insufficient antecedent basis for this limitation in the claim; and this API will be treated as a mere user interface or framework interface.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 23-25, 29-33, 37-39, 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn, USPN: 6,961,567 (hereinafter Kuhn) and further in view of Allor, USPubN: 20030226102 (hereinafter Allor)

As per claim 23, Kuhn discloses a mobile terminal for use in a wireless telecommunications system comprising:

a mobile terminal; a mobile terminal platform domain (e.g. Fig. 1) having a software services component for providing functionality, said software services component in the form of software instructions adapted to be loaded and stored in a computer readable medium (col. 4, lines 2-6) and executed by a processor of the mobile terminal,

the mobile terminal platform domain further having an interface component having at least one interface for providing access to the functionality of the software services component for enabling an application domain software to be loaded and run in said mobile terminal platform via said at least one interface (e.g. *icon, launch ... interaction, perform tasks, number of screens* - col. 5, lines 24-45), said interface component in the form of software instructions

adapted to be loaded and stored in a computer readable medium (col. 5, line 65 to col. 6, line 6) and executed by a processor; and

plug-in software in the form of software instructions adapted to be loaded and stored in a computer readable medium and executed by the processor of the mobile terminal for use by the application domain software for extending the functionality of the software services component (e.g. plug-in 204 – Fig. 2; *deactivation* - col. 6, lines 31-47, lines 57-65; *switch between ... carriers; user ... choice of various ... service providers ... changing computer's compatibility for different carrier* - col. 7, lines 29-61 – Note: enabling user to switch to different services or carriers reads on extending software services components) of the mobile terminal platform domain via the at least one interface;

wherein said plug-in software complies with a same paradigm (col. 7 lines 4-49 – Note: features and provider protocol compliancy between API driver 202 and plug-in 204 -- see Table 1, col. 8 -- reads on same paradigm as registration services exported by the API, i.e. API treated as GARF framework - Fig. 3) as provided services exported by said application programming interface.

But Kuhn does not explicitly disclose an interface component for enabling application software to be installed. Kuhn's HTTP application (see Fig. 3, 5A-B and related text) is depicted with extensive use of plug-in being invoked for setting features, downloading (see *registration file 208* – Table 1, col 8, col. 9, lines 1-25) and detecting error conditions (see col. 6, lines 57-65) with regard to a service provider type of activation. This Web-based remote activation is further enhanced with the analogous use of plug-in by Allor, according to which, a extensible tag functionality from a plug-in module can be used to support installation of components via

callback information in a browser interface (installation – para 0048, pg. 5). It would have been obvious for one skill in the art at the time the invention was made to implement the browser environment plug-in by Kuhn so that the plug-in can support validating and warning of errors in support of **installation** of components for a particular provider domain application, based on, for example, Allor's teachings in using plug-in tag indicator and callback information; because embedded content or browser functionality in Kuhn's provider-specific Web services can be installed and would be deployed using the ready-to-use or provided plug-in for such browsers, alleviating thereby resources that would require additional developing of program native code, such that extensibility of browser capabilities and content display had been known to be supported by ready-to-use plug-ins (see Allor, pg. 1, para 0004-0005)

As per claim 24, Kuhn discloses wherein said at least one interface comprises an application programming interface (e.g. API's – col. 5, lines 55-64).

As per claim 25, Kuhn discloses wherein said plug-in software comprises software residing in a domain of said application software (e.g. particular carrier ... service provider – col 6, lines 50-65) and that uses the functionality of at least one of the platform domain (col. 7, lines 13-49) and other plug-in software (e.g. *plug-in ... compatible with each other* – col. 7, lines 50-60; col. 6, lines 50-56)

As per claims 29-30, Kuhn discloses wherein said plug-in software includes a plurality of plug-in software modules (refer to claim 23); wherein said plug-in software includes plug-in software defining a set of graphical objects and utilities for defining a particular aspect of the environment, i.e. locality or language specific parameters (e.g. language – col. 7, lines 29-49; *changing computer's compatibility for different carrier ... providers* - col. 7, lines 29-61;

language – col. 7, lines 29-49). But Kuhn does not disclose that such environment parameters being extended are for looks and feel. But based on Kuhn's ability to customize the mobile device environment in light of Allor's use of style sheet language as plug-in utility enabling a browser to be rendered for a rich content (see Allor: Fig. 5-10, para 0008, pg. 1), it would have been obvious for one skill in the art at the time the invention was made to implement Kuhn's plug-in so that these plug-in can also enable the user to modify the looks and feels of the browser as evidenced in Allor's browser. One would be motivated to do so because the plug-in utilities as set forth in Kuhn would operate so as to rectify or extend the visual settings of the browser based on compatibility enforced by language, locality or platform (see Kuhn: col. 5 lines 8-19; col. 7 li. 33-49) within which Kuhn's Web applications operate or are graphically rendered.

As per claim 31, Kuhn discloses wherein said platform domain comprises a platform for a mobile terminal for a wireless telecommunications system (refer to claim 23).

As per claim 32, Kuhn discloses a method for use in a mobile terminal, comprising:
providing a mobile terminal platform domain having a software services component for providing functionality, said software services component in the form of software instructions adapted to be loaded and stored in a computer readable medium and executed by a processor in the mobile terminal;

providing an interface component in said mobile terminal platform domain having at least one interface for providing access to the functionality of the software services component for enabling an application domain software to be loaded and run in said mobile terminal platform via said at least one interface, said interface component in the form of software instructions

adapted to be loaded and stored in a computer readable medium and executed by the processor of the mobile terminal;

providing plug-in software in the form of software instructions adapted to be loaded and stored in a computer readable medium and executed by the processor of the mobile terminal and together with the application software for extending the functionality of the software services component of the mobile terminal platform domain via the at least one interface; wherein said at least one interface comprises an application programming interface (framework GARF - col. 4 lines 50 to col. 5 line 7), and wherein said plug-in software complies with a same paradigm as provided services exported by said application programming interface; and

extending the functionality of the software services component via said plug-in software; all of which limitations having been addressed in claim 23.

But Kuhn does not explicitly disclose an interface component for enabling application domain software to be installed. However, this limitation has been addressed in claim 23.

As per claim 33, this claim include respectively the subject matter of claim 25; hence incorporate the corresponding rejection as set forth therein.

As per claim 37, this claim will incorporate the same rationale as set forth in claim 30.

As per claim 38, Kuhn discloses a end user being a manufacturer product end user for extending or modifying functionality of said platform (see claim 33; Fig 1-2).

As per claim 39, Kuhn discloses manufacturer contributing in creating hardware to embody the GARF framework (col. 5, lines 8-19) the plug-in aspect of which operable to modification in order to accommodate language specific provider or network (col. 7 lines 6-49)

of various countries. Based on the changes needed to provide plug-ins for different continents or country (US, France), and providing of a original manufacture plug-ins to that effect, it would have been obvious for one skill in the art at the time the invention was made to allow the country-specific division of the GARF manufacture to install, readjust certain country-related specifications needed for using this original basic plug-in in a geographical area, so that the plug-in can be usable by operators for the area or country because this manufacturer's pre-setting or extending features of this plug-ins would equip the delivered GARF product with the adjusted basics for a country-specific end-users, enabling them to interact with the very service providers covering the geo-economical context and language implications germane to that country, as contemplated by Kuhn from above.

As per claims 41 and 44, Kuhn discloses wherein said step of extending the functionality comprises adding or removing functionality to said software services component of said platform (*deactivation* - col. 6, lines 31-47, lines 57-65; *switch between ... carriers; changing computer's compatibility for different carrier ... providers* - col. 7, lines 29-61; step 405 – Fig 5A); wherein said step of extending the functionality is performed by downloading at least one plug-in (refer to claim 23).

As per claim 42, Kuhn discloses a platform for a mobile terminal for a wireless telecommunications system (col. 7, lines 16-25).

As per claim 43, Kuhn discloses wherein said step of extending the functionality is performed by downloading an application (see *registration file 208* – Table 1, col 8, col. 9, lines 1-25).

8. Claims 27-28, 35-36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn, USPN: 6,961,567 and Allor, USPubN: 20030226102, further in view of Stewart et al, USPubN: 2001/0039570 (hereinafter Stewart)

As per claims 27-28, Kuhn discloses browser based applications in the realm of mobile devices allowing user to receive files or email or various environmental resources from their being connected to their provider (see col. 2, lines 26-35; col. 11, lines 18-30) with capability such as naming convention compliance (step 424, 434 – Fig. 5B) and provisioning with undesired-event handling compliance (see step 410, Fig. 5A; step 436 – Fig. 5B) but does not explicitly disclose wherein said provided services include one or more of component model compliance, and message model compliance; wherein said message model includes a callback mode and a full message mode.

The paradigm using a mobile service provider with web communications allowing the mobile user to retrieve data, files and Email messages was a known concept (see Allor: para 0041, para 0045- pg. 4) at the time the invention was made. Based on Allor's message and call back information, it would have been obvious for one skill in the art at the time the invention was made to implement Kuhn's browser communication so that compliance to receiving application data from the network comprise callback-based messages or full message mode (see Allor – claim 23) because either mode can support the browser usability or modifying/extending its functionality according Allor's approach with its benefits as set forth in claim 1.

Likewise, Stewart, in a enterprise-based system using plug-in type of modules (Stewart: Fig. 7-9) to provide functionality to Web/HTTP mobile/PDA type of users (*wireless* – para 0278, pg. 16) like those in Kuhn or Allor, discloses wire-protocol and messaging capabilities for

encapsulating business process/workflow in a HTTP request to implement a business transaction framework including compliancy to a model (e.g. para 0348, pg. 18), with message model compliancy of HTTP or SOAP (e.g. para 0349, pg. 18). Based on the well-known paradigm of HTTP, and Java-based client-server communications and middleware services between provider, database and end users, it would have been obvious for one skill in the art at the time the invention was made to implement the Web-based services communicated between the provider and the mobile platform as set forth by Kuhn and/or Allor, so that Web transactions (e.g. B2B) type application using mobile technology can be implemented according to a model framework with use of SOAP protocol and workflow model compliancy as taught by Stewart. One would be motivated to do so because Web transactions for supporting mobile technology at the time the invention was made for enabling data such as in Kuhn's paradigm transmission of resources or Web-based transaction or business (based on Stewart's model and messaging) to reach registered end users (like Kuhn's and Allor's) for enabling customizing of a transaction via utilizing the extensibility of the model support and messaging protocol as set forth above (refer to claim 27).

As per claims 35, 36, these claims include respectively the subject matter of claims 27, 28; hence incorporate the corresponding rejection as set forth therein.

As per claim 40, Kuhn does not explicitly disclose wherein said step of extending the functionality is performed by a third party contracted to change the functionality. But based on the rationale as set forth in claim 26, middleware services for collaborating workflow in various type of Web-based transactions involving provider, SOAP interface, COM/Corba middle-tiers, trading partners and interconnecting services with RDBMs has been taught as well-known by Stewart (see Fig. 1-2, 4, 8-25) according to which modeling framework and messaging are

instrumental for allowing the provider-based web users to extend the client environment application. Based on the concept of third party (see Stewart: COM, Corba - para 0075, pg. 6) for collaborating different tiers and partners in a B2B workflow applications, it would have been obvious for one skill in the art at the time the invention was made to enable Kuhn's mobile device network to use the third party services with capabilities to modify message/extensible data (Java, XML or SOAP protocol) and reroute application data to other collaborating trade partners or servers, in order to achieve this multi-partners business-to-business type of workflow or model-based process in form of application extension as purported in Kuhn network.

Response to Arguments

9. Applicant's arguments filed 10/17/08 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

USC 103 Rejection:

Applicants have submitted that Kuhn's invention is conceptually not using a plug-in for extending services provided by the platform (Appl. Rmrks pg. 7, bottom). The claim language does not provide specificity about what exactly 'extending the functionality ... software services' is all about. The language recited as 'for extending' amounts to a intended use; and this is not sufficient a feature to preclude the cited parts in Kuhn from reading into the un-specific limitation. The argument that application software (by the Applicant's invention) is software that provides functionality users wish to have available and that resides from higher layers (Appl. Rmrks pg. 8 top) has no direct linkage with any part of the claim language; and would not be sufficient to overcome teachings by any cited parts in Kuhn or Allor.

The arguments for referring to some newly added limitations are mostly not commensurate with the previous Office Action. The claims stand rejected as set forth in the current Office Action, which has been readjusted by necessity to address the above added language.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before

using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

December 3, 2008